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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 DURWOOD J. MOORE,

7 Petitioner,

8 v.

9 THE STATE OF WASHINGTON,

10 Respondent.

Case No. C09-5386 FDB

ORDER DISMISSING PETITION

The Magistrate Judge recommends that this petition for habeas corpus relief be dismissed for the failure of Petitioner to comply with the Court's show cause order directing Petitioner to file an amended petition.

The Court, having reviewed the report and recommendation, the petition for writ of federal *habeas* corpus relief and the remaining record, hereby finds and ORDERS:

- (1) The Magistrate Judge's report and recommendation is approved and adopted;
- (2) Petitioner's federal *habeas corpus* petition is DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to Petitioner, to Magistrate Judge Karen L. Strombom and to any other party that has appeared in this action.

DATED this 5th day of October, 2009.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE